

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**Richard S. Nemelka, as Trustee for the  
Fowler Family Living Trust,**

**Plaintiff,**

**VS.**

**Francesca T. Fowler,**

**Defendant.**

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**CIVIL ACTION NO. H-04-1987**

**MEMORANDUM AND ORDER**

Pending before the Court is the parties' joint motion to dismiss and to release funds from the Court's registry. The motion states that the parties have reached a settlement agreement. Accordingly, the motion to dismiss is hereby **GRANTED** and the Clerk of the Court is hereby **ORDERED** to release the funds currently held in the Court's registry as follows:

- 1) \$55,000 shall be released to Francesca T. Fowler;
- 2) \$57,000 shall be released to Richard S. Nemelka, as Trustee for the Fowler Family Revocable Living Trust dated September 16, 2003; and
- 3) Any and all interest shall be divided in equal portions between Francesca T. Fowler and Richard S. Nemelka in his capacity as Trustee for the Fowler Family Revocable Living Trust dated September 16, 2003.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 14th day of November, 2005.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES  
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY  
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH  
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**